

**ENTERED**

August 24, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:08-CV-61
	§	
26.744 ACRES OF LAND, MORE OR	§	
LESS, SITUATE IN STARR COUNTY,	§	
STATE OF TEXAS, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER**

The Court now considers the August 21, 2020 status report<sup>1</sup> filed by the United States of America (“United States”) and the joint stipulation for partial revestment<sup>2</sup> filed by the United States and the following interested parties: City of Roma, Texas; Jennifer Vasquez, Receiver of Anabell G. Garcia; Jose Carlos Saenz; Maria Albina Saenz Gonzalez; Veronica Marquez Saenz; Fernando Escobar; Annette G. Ramirez; and Alyssa Garza.<sup>3</sup> All interested parties are agreed to the joint stipulation, except Cindy Garcia, Administrator of the Estate of Marco A. Garcia (“Ms. Garcia”), who is unopposed.<sup>4</sup>

The United States previously informed the Court in its June 5, 2020 status report<sup>5</sup> that as to the fee simple taking of Tract RGV-RGC-1045, one interested party, Cindy Garcia, Administrator of the Estate of Marco A. Garcia (“Ms. Garcia”) had yet to agree to the proposed just compensation amount.<sup>6</sup> On this basis, the United States requested that the Court set a just compensation hearing “in the next 45 to 60 days” to allow the parties time to settle the issue of

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<sup>1</sup> Dkt. No. 117.

<sup>2</sup> Dkt. No. 118.

<sup>3</sup> See Dkt. Nos. 118, 119.

<sup>4</sup> See Dkt. No. 119.

<sup>5</sup> Dkt. No. 114.

<sup>6</sup> *Id.* at 3, ¶¶ 7–9.

just compensation or alternatively, prepare for the hearing.<sup>7</sup> As to the revestment of the road easements involved in the instant case, the United States informed the Court that it was in the process of receiving approval from each party in order to file a joint stipulation for partial revestment and proposed final judgment.<sup>8</sup> Based on this information, the Court set a just compensation hearing and status conference to discuss the issue of revestment on August 31, 2020.<sup>9</sup> The Court ordered the United States to file an updated status report in preparation for the just compensation hearing and the status conference by August 21, 2020.<sup>10</sup> Alternatively, the Court ordered the parties to file a joint stipulation for partial revestment and proposed final judgment by that same date.<sup>11</sup>

In the instant August 21, 2020 status report, the United States informs the Court that Ms. Garcia “will not be submitting valuation evidence as to Tract RGV-RGC-1045” but also “will not sign an agreement with the United States.”<sup>12</sup> “In other words, Ms. Garcia is leaving the final just compensation decision to the Court.”<sup>13</sup> The United States further provides that “Ms. Garcia is unopposed to having the issue of just compensation decided by the Court on the briefings due to the COVID-19 pandemic. Thus, the parties agree that there is no need for an in-person hearing.”<sup>14</sup> The United States intends to file its just compensation brief by August 31, 2020 and rest on its brief.<sup>15</sup>

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<sup>7</sup> *Id.* ¶ 9.

<sup>8</sup> *Id.* at 4, ¶ 12.

<sup>9</sup> Dkt. No. 116.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 2.

<sup>12</sup> Dkt. No. 117 at 3, ¶ (A)(4)(b).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at ¶ (A)(4)(c).

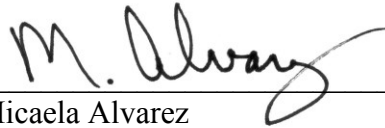
<sup>15</sup> *Id.*

As to the issue of revestment, the United States provides that all parties are in agreement as to revestment, except for Ms. Garcia who is merely unopposed.<sup>16</sup> In addition to the status report, the United States filed the instant joint stipulation for partial revestment and final judgment,<sup>17</sup> with a certificate of conference that reflects Ms. Garcia's lack of opposition.<sup>18</sup>

In light of the foregoing, the Court finds there is no need for a just compensation hearing or status conference on the issue of revestment. The Court hereby **CANCELS** the August 31, 2020 just compensation hearing and status conference.<sup>19</sup> The Court **ORDERS** the parties to file briefings on the issue of just compensation by August 31, 2020.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 24th day of August, 2020.

  
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Micaela Alvarez  
United States District Judge

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<sup>16</sup> *Id.* at 4, ¶ B(5).

<sup>17</sup> Dkt. No. 118

<sup>18</sup> Dkt. No. 119.

<sup>19</sup> Dkt. No. 116.